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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,991	02/20/2004	Samuel T. Basta	03-1004-03	7140

7590

12/06/2004

Anthony Claiborne  
849 136th Ave. N.E.  
Bellevue, WA 98005

EXAMINER
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WRIGHT, ANDREW D

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 12/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/782,991

Applicant(s)

BASTA, SAMUEL T.

Examiner

Andrew Wright

Art Unit

3617



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Claim Objections***

2. Claims 1-4, 6, 8, and 9 are objected to.
3. In line 1 of claim 1, "the boat lift" should be "a boat lift".
4. Claims 1-4, 6, 8, and 9 all recite "the lift" but should recite "the boat lift". Consistent terminology should be used.
5. Claim 6 improperly recites "an operatively engaged battery assembly unit" after such has already been positively recited.
6. Appropriate correction of all objections is required.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mansfield (US 6,435,768) in view of Ramstrom et al. (US 3,999,110). Mansfield shows a boat lift controller (fig 18). The controller comprises a control unit (260). The control unit is powered by a separate battery powered drill (column 8, lines 47-63). Ramstrom shows a separate battery powered drill. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a drill such as Ramstrom's to operate the controller to move the lift up and down. The motivation would be to operate the lift in the manner suggested by Mansfield. The drill is the removable battery assembly.

9. Claim 2, the drill has a some circuitry including a trigger switch (16).

10. Claims 3/1, 3/2, and 4, the lock is socket (270). The key is the drill bit that engages the lock.

11. Claim 5, the control unit includes mechanical circuitry including gears. The drill includes the remaining circuitry. The drill chuck is a means for operatively engaging a battery assembly unit.

12. Claim 6, the socket is the locking means, the drill bit that engages the socket is the key.

13. Claim 7, The drill is the battery assembly. Ramstrom shows rechargeable battery (10). The drill chuck (10) is the means for operatively engaging. The drill has circuitry.

14. Claim 8, the drill bit that engages the socket is the key.

15. Claims 9/7 and 9/8, the drill comprises a trigger switch.

16. Claim 10, the battery is removable from the drill.

***Conclusion***

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Quastad ('019) shows a boat lift with a pendant controller. Godbersen ('533) shows a boat lift with a pendant controller. Russ ('592) shows a boat lift with a radio frequency remote controller. Wald et al. ('417) shows a hand held remote control that has removable and rechargeable batteries. Huang ('751) shows an accessory, a battery assembly, and a removable and rechargeable battery. Owings et al. ('239) shows an accessory and a selectively engaged battery assembly, the battery assembly having a control switch and rechargeable battery.

18. Any inquiry concerning this communication should be directed to examiner Andrew D. Wright at telephone number (703) 308-6841. The examiner can normally be reached Monday-Friday from 9:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joe Morano, can be reached at (703) 308-0230. The fax number for official communications is 703-872-9306. The fax number directly to the examiner for unofficial communications is 703-746-3548.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic  
Business Center (EBC) at 866-217-9197 (toll-free).

Andrew D. Wright  
Patent Examiner  
Art Unit 3617

*Andrew D. Wright*  
ANDREW D. WRIGHT  
PRIMARY EXAMINER